(Spl.-H.C.A.S.,C.D.,78-e)

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF BOMBAY AT GOA
APPELLATE SIDE

CRIMINAL MISCELLANEOUS APPLICATION NO. 283 OF 2003.

| Office Note, Office Memoranda of Quorum, appearances, Court's orders or directions and Registrar's orders. | Court's or Judge's Orders |
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Mr. Rohit Bras De Sa, Advocate for the Applicant.

Coram : P.V. HARDAS, J.

Date : 8th January 2004.

P.C.: This is an application, under Section 482 of the Code of Criminal Procedure, filed by the present applicant assailing the Order, passed by the learned Sessions Judge, North Goa, Panaji, dated 12th November 2003, in Criminal Revision Application No. 18 of 2003, dismissing the revision filed by the present applicant against the Order, of the learned Chief Judicial Magistrate, Panaji, dated 31st January 2003, in Criminal Miscellaneous Application No. 120 of 2002 in Maintenance Case No. 5/2002/A, granting maintenance to the two minor children, namely,

daughters of the present applicant.

2. During the pendency of the application, under Section 125 of the Code of Criminal Procedure, the respondent no. 1 herein, wife of the applicant, had filed an application, before the learned trial Court, for grant of interim maintenance. The learned trial Court, by its Order, granted maintenance of Rs. 500/- each to the two minor children. Being aggrieved by the Order of the learned trial Court, the applicant preferred Criminal Revision Application before the learned Sessions Judge, North Goa, Panaji. The learned revisional Court, by the Order impugned in the present application, dismissed the revision application. Hence, the present application, under Section 482 of the Code of Criminal Procedure.

3. Mr. De Sa, the learned counsel appearing for the applicant, has

vehemently urged that the applicant is not in a position to pay the monthly maintenance of Rs. 500/- each to his daughters. According to him, the maintenance of Rs. 500/- each is an extremely harsh Order. This is an application under Section 482 of the Code of Criminal Procedure and the two Courts below, on appreciation of the affidavits on record, have passed Orders granting maintenance to the two minor daughters of the applicant at the rate of Rs. 500/- each per month. No perversity has been pointed out in respect of the reasonings of the two Courts below. This being the position, no interference, under Section 482 of the Code of Criminal Procedure, is called for.

4. Criminal Miscellaneous Application is, therefore, dismissed summarily.

P.V. HARDAS, J.

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